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VIDEO SOFTWARE DEALERS ASSOCIATION  
11 and ENTERTAINMENT SOFTWARE ASSOCIATION

12  
13 UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15  
16 VIDEO SOFTWARE DEALERS  
ASSOCIATION and ENTERTAINMENT  
17 SOFTWARE ASSOCIATION,

CASE NO. C 05 4188

DECLARATION OF DAVID ROSEN  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION

18 Plaintiffs,

19 v.

20 ARNOLD SCHWARZENEGGER, in his official  
capacity as Governor of the State of California;  
21 BILL LOCKYER, in his official capacity as  
Attorney General of the State of California;  
22 GEORGE KENNEDY, in his official capacity as  
Santa Clara County District Attorney, RICHARD  
23 DOYLE, in his official capacity as City Attorney  
for the City of San Jose, and ANN MILLER  
24 RAVEL, in her official capacity as County  
Counsel for the County of Santa Clara,

25 Defendants.

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

VIDEO SOFTWARE )  
DEALERS ASSOCIATION and )  
ENTERTAINMENT SOFTWARE )  
ASSOCIATION, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
ARNOLD SCHWARZENEGGER, in his ) C.A. 05-4188  
official capacity as Governor of the State of )  
California; BILL LOCKYER, in his )  
official capacity as Attorney General of the )  
State of California; GEORGE KENNEDY, )  
in his official capacity as Santa Clara )  
County District Attorney, RICHARD )  
DOYLE, in his official capacity as City )  
Attorney for the City of San Jose, and )  
ANN MILLER RAVEL, in her official )  
capacity as County Counsel for the County )  
of Santa Clara, )  
 )  
Defendants. )  
)

**DECLARATION OF DAVID ROSEN**

Pursuant to 28 U.S.C. § 1746, I, David Rosen, under penalty of perjury state as follows:

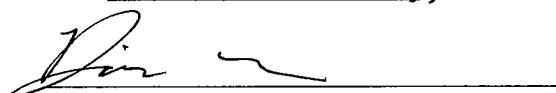
1. I am currently employed as a Product Manager at Electronic Arts Inc. (hereinafter “EA”). I have been employed at EA since July 2002. I have personal knowledge of the facts stated in this declaration.

2. EA is an independent developer and publisher of interactive entertainment software products for video game console systems such as Microsoft's Xbox, Sony PlayStation 2 and Nintendo GameCube, personal computers, mobile video devices and the Internet. EA headquarters is located in Redwood City, California. EA employs approximately 6,000 people worldwide.

3. One of the games that EA developed, marketed and published is *Medal of Honor Frontline*. A true and accurate copy of the PlayStation 2 version of the game, in its entirety and final form, is attached as Exhibit A. A videotape of *Medal of Honor Frontline* being played is attached as Exhibit B. I certify that Exhibit B is a true, accurate, and representative sample of *Medal of Honor Frontline*.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on October 12, 2005 at Redwood City, CA



David Rosen

**Exhibits A (video game “Medal of Honor Frontline”) & B (videotape of “Medal of Honor Frontline”) to the Declaration of David Rosen are enclosed in a separately filed envelope**